

# AMENDED COMPLAINT FOR CIVIL ACTION

## NUMBER 3:24cv199

Pro Se 1 (Rev. 12/16) Complaint for a Civil Case

### UNITED STATES DISTRICT COURT

for the

Eastern District of Virginia



Richmond Division

Ricky N. Sims

Case No. 3:24cv199

(to be filled in by the Clerk's Office)

**Plaintiff(s)**

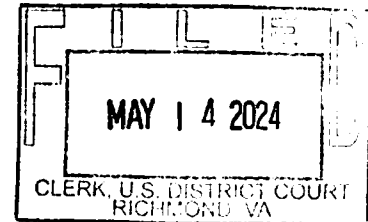
(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Oxygen Forensics, Inc.

Jury Trial: (check one) ☐ Yes ☒ No**Defendant(s)**

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)



### COMPLAINT FOR A CIVIL CASE

#### I. The Parties to This Complaint

##### A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Ricky N Sims
Street Address	4111 Whitford Circle, Apt 903
City and County	Glen Allen
State and Zip Code	Virginia 23060
Telephone Number	571-758-1178
E-mail Address	ricksims0106@outlook.com

##### B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

**Pro Se I (Rev. 12/16) Complaint for a Civil Case**

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**Defendant No. 1**

Name	Lee Reiber (Oxygen Forensics, Inc.)
Job or Title <i>(if known)</i>	CEO
Street Address	909 N Washington Street, Ste 300
City and County	Alexandria, City
State and Zip Code	Virginia 23060
Telephone Number	(703) 888-2907
E-mail Address <i>(if known)</i>	lee.reiber@oxygen-forensic.com

**Defendant No. 2**

Name	
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	

**Defendant No. 3**

Name	
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	

**Defendant No. 4**

Name	
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	

**II. Basis for Jurisdiction**

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*



Federal question



Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

**A. If the Basis for Jurisdiction Is a Federal Question**

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

SEE ATTACHMENT #1

**B. If the Basis for Jurisdiction Is Diversity of Citizenship****1. The Plaintiff(s)****a. If the plaintiff is an individual**

The plaintiff, *(name)* \_\_\_\_\_, is a citizen of the State of *(name)* \_\_\_\_\_.

**b. If the plaintiff is a corporation**

The plaintiff, *(name)* \_\_\_\_\_, is incorporated under the laws of the State of *(name)* \_\_\_\_\_, and has its principal place of business in the State of *(name)* \_\_\_\_\_.

*(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)*

**2. The Defendant(s)****a. If the defendant is an individual**

The defendant, *(name)* Lee Reiber \_\_\_\_\_, is a citizen of the State of *(name)* Virginia \_\_\_\_\_. Or is a citizen of *(foreign nation)* N/A \_\_\_\_\_.

**b. If the defendant is a corporation**

The defendant, (name) Oxygen Forensics, Inc., is incorporated under the laws of the State of (name) Virginia, and has its principal place of business in the State of (name) Virginia.  
 Or is incorporated under the laws of (foreign nation) N/A, and has its principal place of business in (name) Virginia.

*(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)*

**3. The Amount in Controversy**

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because (explain):

The Plaintiff is seeking pecuniary and non-pecuniary damages amounting to the equivalent of 18 months of salary at his last Base rate of salary (\$6,000 per month—totaling \$108,000) and \$7,291.89 of earned 2022 pay (Bonus, Sick Pay and Vacation) that has been unlawfully denied.

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**III. Statement of Claim**

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

Plaintiff: Ricky N Sims

The Plaintiff was subjected to discrimination based on his age and perceived disability. Furthermore, the Plaintiff was denied consideration for reasonable accommodations and was retaliated against for reporting discrimination and whistleblowing...resulting in the abrupt termination of the Plaintiff's employment on December 2, 2022.

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**IV. Relief**

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

Plaintiff: Ricky N Sims

The Plaintiff is seeking pecuniary and non-pecuniary damages/BACK PAY (benefits/bonuses) amounting to the equivalent of 18 months of salary at his last rate of salary (\$6,000 per month) and \$7,291.89 of earned 2022 pay that has been unlawfully denied. Additionally, the Plaintiff is seeking the classification of "Resignation" as reason for the Employment Separation, and the removal of all Negative entries on his Employment Record...and an agreement to provide a Neutral reference.

Finally, the Plaintiff is seeking FRONT PAY (at the Trial Judge's Discretion) from the time of trial through some day in the future.

## V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

### A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 05/14/2024

Signature of Plaintiff

Printed Name of Plaintiff

Deby M. Sims

Deby M. Sims

### B. For Attorneys

Date of signing: \_\_\_\_\_

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address